

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1219 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 22-4-5-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE MARCH 1, 2007 (RETROACTIVE)]: Sec.
- 5 1. (a) "Deductible income" wherever used in this article, means income
- 6 deductible from the weekly benefit amount of an individual in any
- 7 week, and shall include, but shall not be limited to:
- 8 (1) remuneration for services from employing units, whether or
- 9 not such remuneration is subject to contribution under this article,
- 10 except as provided in subsection (c);
- 11 (2) dismissal pay;
- 12 (3) vacation pay;
- 13 (4) pay for idle time;
- 14 (5) holiday pay;
- 15 (6) sick pay;
- 16 (7) traveling expenses granted to an individual by an employing
- 17 unit and not fully accounted for by such individual;
- 18 (8) net earnings from self-employment;
- 19 (9) payments in lieu of compensation for services;
- 20 (10) awards by the national labor relations board of additional
- 21 pay, back pay, or for loss of employment; or any such payments
- 22 made under an agreement entered into by an employer, a union,
- 23 and the National Labor Relations Board; or
- 24 (11) payments made to an individual by an employing unit
- 25 pursuant to the terms of the Fair Labor Standards Act (Federal
- 26 Wage and Hour Law, 29 U.S.C. 201 et seq.).
- 27 (b) Deductible income shall not include the first three dollars (\$3),
- 28 or twenty percent (20%) of the claimant's weekly benefit amount
- 29 rounded to the next lowest dollar, whichever is the larger, of
- 30 remuneration paid or payable to an individual with respect to any week
- 31 by other than ~~his~~ **the individual's** base period employer or employers.

(c) For the purpose of deductible income only, remuneration for services from employing units does not include:

(1) bonuses, gifts, or prizes awarded to an employee by an employing unit; or

(2) compensation made pursuant to a valid negotiated contract or agreement in connection with a layoff or plant closure, without regard to how the compensation is characterized by the contract or agreement.

SECTION 2. IC 22-4-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2007 (RETROACTIVE)]: Sec.

1. (a) Except as provided in subsection (b) or (c), an unemployed individual shall be eligible to receive benefits with respect to any week only if ~~He~~ **the individual** has made a claim for benefits in accordance with the provisions of IC 1971, 22-4-17-1 hereof: ~~Provided, however, That IC 22-4-17.~~

(b) A person accepting who:

(1) accepts a layoff under an inverse seniority clause of a validly negotiated contract; ~~be~~ **and**

(2) otherwise meets the eligibility requirements established by this article;

is entitled to ~~aff~~ receive benefits in the same amounts, under the same terms, and subject to the same conditions as any other unemployed person. ~~under the terms of this article. Provided, That he meets the other requirements of this article.~~

(c) A person who:

(1) accepts an early retirement offer or other compensation offered by an employer to avert or lessen the effect of a layoff or plant closure; and

(2) otherwise meets the eligibility requirements established by this article;

is entitled to receive benefits in the same amounts, under the same terms, and subject to the same conditions as any other unemployed person."

Page 4, after line 11, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE MARCH 1, 2007 (RETROACTIVE)] IC 22-4-5-1 and IC 22-4-14-1, both as amended by this act, apply

1 **to initial claims for unemployment filed for a week that begins**
2 **after February 28, 2007.**

3 **SECTION 5. An emergency is declared for this act."**

4 Renumber all SECTIONS consecutively.

(Reference is to EHB 1219 as printed February 22, 2008.)

Senator TALLIAN